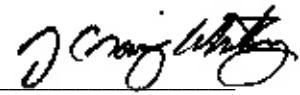


FILED & JUDGMENT ENTERED David E. Weich	May 03 2007
Clerk, U.S. Bankruptcy Court Western District of North Carolina	



J. Craig Whitley
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

In re:

JOSEPH GREGORY JEMSEK,

Debtor.

JOSEPH STANLY JABKIEWICZ
administrator of the Estate of KATHLEEN
MARIE JABKIEWICZ, AND JOSEPH
STANLY JABKIEWICZ, Individually, and as
Guardian Ad Litem for Minors MATTHEW
JOSEPH JABKIEWICZ and Michael
STEVEN JABKIEWICZ,

Plaintiffs,

vs.

JOSEPH G. JEMSEK, M.D., CHRISTIE
ROESKE, R.N.P., and
THE JEMSEK CLINIC, P.A.

Case No. 06-31986

Chapter 11

Adversary Proceeding No. 07-3019

**ORDER ON PLAINTIFFS' MOTION FOR RELIEF FROM STAY; MOTION FOR
MANDATORY OR DISCRETIONARY ABSTENTION; MOTION FOR REMAND;
MOTION FOR WITHDRAWAL OF REFERENCE**

This cause came on to be heard on April 3, 2007 on the *Motion for Relief from Stay*;

Motion for Mandatory or Discretionary Abstention; Motion for Remand; Motion for

Withdrawal of Reference (the “Motion”) [Docket Nos. 7 & 8]¹ filed on behalf of the plaintiffs (“Plaintiffs”) in the above-referenced adversary proceeding (the “Adversary Proceeding”). On March 29, 2007, an objection (“Objection”) to the Motion was filed on behalf of Joseph G. Jemsek, the debtor in the above-referenced bankruptcy case and a defendant herein. The Court having reviewed the Motion, the Objection, the record in this case, and having considered the arguments of counsel, has determined that it should recommend to the United States District Court for the Western District of North Carolina (the “District Court”) that the reference of this adversary proceeding should be withdrawn. The Court will set forth its reasons for this recommendation in a Report and Recommendation to the District Court.

IT IS, THEREFORE, ORDERED that:

- 1) The Court shall recommend that the District Court withdraw the reference of the Adversary Proceeding;
- 2) The parties shall have fifteen (15) days in which to respond to a proposed Report and Recommendation to the District Court; and
- 3) This Court shall retain jurisdiction to determine any disputes as to the contents of the proposed Report and Recommendation to the District Court.

This Order has been signed
Electronically. The judge’s
signature and court’s seal
appear at the top of the Order.

United States Bankruptcy Court

¹ Duplicate copies of the Motion were filed in this adversary proceeding on March 12 and March 19, 2007 and appear as Docket Nos. 7 and 8 respectively. A duplicate of the Motion also was filed in the base bankruptcy case on March 14, 2007 and appears there as Docket No. 117. Because these three motions are identical, this Order is entered as to each of them.